

Regulatory Considerations

In establishing an aquaculture enterprise, there are several regulatory considerations. There are different permit requirements depending on the type of enterprise. A directory with each agency's phone numbers and contacts is included in the appendix.

Pond Construction Permits

- § May require local zoning and business permits
- § Check with NRCS to determine whether land is classified as wetlands.
 - § If land is a wetland, contact the U.S. Army Corps of Engineers for a wetland construction permit.
- § Pond construction permit is needed if pond is in a flood plain. Contact NRCS for a permit application.
- § If more than five acres are disturbed for pond construction, a stormwater permit for construction activity is required during construction. Contact Division of Water, Natural Resources & Environmental Protection Cabinet.

Water Withdrawal

- § No permit is required for agriculture use (KRS 151.140).

Aquaculture Production

- § Contact Department of Fish and Wildlife Resources, Division of Fisheries.
- § Commercial Propagation Permit is required. This permit covers production, selling and transporting of all endemic species (natural to Kentucky) fish, frogs, crayfish, and other aquatic organisms. Seines larger than 10 feet are covered under this permit.
- § Most exotic species are not permitted for commercial production, and no fish or other aquatic organism may be raised in public waters
- § Non-native species such as grass carp and aquarium species other than those listed in 301 KAR 1:130 Section 3 may not be imported, possessed, and sold unless approved by the Department of Fish and Wildlife Resources, Division of Fisheries.

Water Discharge Permit

Contact Natural Resources & Environmental Protection Cabinet, Division of Waste Management

- § 401 KAR 5:60(11) requires a **discharge permit** for aquaculture water if more than 5,000 pounds a month of feed is used, or if more than 100,000 pounds of animals are raised. This affects only concentrated aquatic animal production facilities.
- § If a pond is to be drained for harvest, a **one-time discharge permit** will be issued by the Division of Water's regional office.

Pay Lake

- § Contact Department of Fish and Wildlife Resources, Division of Water. A pay lake operation license is required if:
 - § The pond is stocked at least twice annually with at least 500 pounds of adult fish per surface acre, and

- § The pay lake issues fishing permits to patrons.
- § If the lake does not distribute fishing permits to patrons, each person must have a Kentucky fishing license.
- § Retail operations may fall under other business licensing requirements. Contact the Business Information Clearinghouse for more information.

Live Hauler

- § Contact Department of Fish and Wildlife Resources. A transportation permit is required to haul any live aquatic organism. A permit for the species being hauled is issued.
- § Retail operations may fall under other business licensing requirements. Contact the Business Information Clearinghouse for more information.

Bait Shop

- § Contact Department of Fish and Wildlife Resources for a live fish and bait dealers license, if selling live fish retail or wholesale.
- § Retail operations you may fall under other business licensing requirements. Contact the Business Information Clearinghouse for more information.

Processing

- § A producer can sell **live** or **whole fish on ice** without falling under processing requirements.
- § Product sold in any other form is considered processing. Processing of seafood requires special permits, facilities, and considerations. Contact local health department for more information.